

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CELSIUS NETWORK INC., a corporation, CELSIUS NETWORK LLC, a limited liability company, CELSIUS NETWORKS LENDING LLC, a limited liability company, CELSIUS LENDING LLC, a limited liability company, CELSIUS KEYFI LLC, a limited liability company, CELSIUS MINING LLC, a limited liability company, CELSIUS US HOLDING LLC, a limited liability company; CELSIUS US LLC, a limited liability company; CELSIUS MANAGEMENT CORP., a corporation;

ALEXANDER MASHINSKY, individually and as an officer of Celsius Network Inc., Celsius Network LLC, Celsius Networks Lending LLC, Celsius Lending LLC, Celsius KeyFi LLC, Celsius Mining LLC, and Celsius US Holding LLC;
SHLOMI DANIEL LEON, individually and as an officer of Celsius Network Inc., Celsius Network LLC, Celsius Networks Lending LLC, Celsius Lending LLC, Celsius KeyFi LLC, Celsius Mining LLC, Celsius US Holding LLC; and

HANOCH “NUKE” GOLDSTEIN, individually and as an officer of Celsius Network LLC and Celsius Lending LLC,

Defendants.

Case No. 1: 23-cv-6009 (DLC)

REPLY DECLARATION OF AVI WEITZMAN

I, AVI WEITZMAN, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct:

1. I am a partner with the law firm Paul Hastings LLP, attorneys for Defendant Hanoch “Nuke” Goldstein (“Goldstein”). I am a member in good standing of the Bar of this Court. I make this declaration in further support of Goldstein’s motion to dismiss the complaint filed by the Federal Trade Commission (“FTC”). I have personal knowledge of the matters set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of a highlighted excerpt of the COVID-19 Consumer Protection Act, 15 U.S.C. § 1401(c)(1).

3. Attached hereto as **Exhibit B** is a true and correct copy of a highlighted excerpt of the Restore Online Shoppers’ Confidence Act, 15 U.S.C. § 8404(a).

4. Attached hereto as **Exhibit C** is a true and correct copy of the FTC’s current webpage describing the Gramm-Leach-Bliley Act, which is publicly available at <https://www.ftc.gov/business-guidance/privacy-security/gramm-leach-bliley-act>.

5. Attached hereto as **Exhibit D** is a true and correct copy of a June 6, 2023 email from Katherine M. Aizpuru, counsel for the FTC, to Avi Weitzman and Leo Tsao, counsel for Goldstein, with the subject line “[EXT] Federal Trade Commission No. 2223137 – Celsius Network LLC et al.”

6. Attached hereto as **Exhibit E** is a true and correct copy of the Celsius Network website homepage from July 6, 2023 (one week before the FTC filed this lawsuit) and the same website homepage from January 8, 2023. Both pages are accessible via the archive platform Wayback Machine at <https://web.archive.org/web/20230706003729/https://celsius.network/> and <https://web.archive.org/web/20230108101556/https://celsius.network/>.

7. Attached hereto as **Exhibit F** is a true and correct copy of the First Amended Complaint in *Federal Trade Commission, et al. v. Tax Club, Inc., et al.*, Case No. 1:13-cv-00210-JMF, ECF No. 88 (S.D.N.Y. Apr. 8, 2013).

8. Attached hereto as **Exhibit G** is a true and correct copy the FTC's Complaint in *United States, et al. v. Accusearch, Inc., et al.*, Case No. 2:06-cv-00105-WFD, ECF No. 1 (D. Wyo. May 1, 2006).

9. Attached hereto as **Exhibit H** is a true and correct copy the FTC's Complaint in *Federal Trade Commission, et al. v. Roomster Corp., et al.*, Case No. 1:22-cv-07389-CM-SN, ECF No. 4 (S.D.N.Y. Aug. 30, 2022).

10. Attached hereto as **Exhibit I** is a true and correct copy of the FTC's Redacted Amended Complaint in *Federal Trade Commission, et al. v. Vyera Pharmaceuticals, LLC, et al.*, Case No. 1:20-cv-00706-DLC, ECF No. 86 (S.D.N.Y. Aug. 13, 2021).

11. Attached hereto as **Exhibit J** is a true and correct copy the FTC's First Amended Complaint in *Federal Trade Commission v. Electronic Payment Solutions of America, Inc., et al.*, Case No. 2:17-cv-02535-SMM, ECF No. 85 (S.D.N.Y. Mar. 9, 2018).

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 6th day of October, 2023

s/ Avi Weitzman